

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

Milford-Bennington Railroad Co.,
Inc. and Peter Leishman

v.

Case No. 10-cv-264-PB

Pan Am Railways, Inc., Boston and
Maine Corporation, and Springfield
Terminal Railway Company

O R D E R

Before this case can be tried, the court must interpret the Tracking Rights Agreement ("TRA") and the safety rules that are at issue in the case. The court will hold a hearing on July 1, 2011 at 2:00 p.m. where the parties may present their respective views on the contract interpretation issues that lie at the heart of the case. To the extent a party contends that a provision of the TRA is ambiguous, that party shall be prepared to present any evidence that bears on the claimed ambiguity.

SO ORDERED.

/s/Paul Barbadoro
Paul Barbadoro
United States District Judge

June 23, 2011

cc: Craig S. Donais, Esq.
Kevin E. Verge, Esq.
Christopher H.M. Carter, Esq.
Michael J. Connolly, Esq.